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**Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**
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# Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

**Working paper by the Chairman of the Preparatory Committee**

## I. Preamble

1. The States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons[1] in All Its Aspects,

2. *Having met* in New York from 9 to 20 July 2001,

3. *Determined* to put an end to the human suffering caused by the illicit trade and subsequent misuse of small arms and light weapons, which kill, maim and terrorize thousands of innocent people,

4. *Gravely concerned* at the illicit trade, excessive and destabilizing accumulation and misuse of small arms and light weapons and their detrimental humanitarian and socio-economic consequences that affect, in particular, large segments of civilian populations,

5. *Noting* that numerous United Nations reports for the past six years have documented that the negative effects of small arms and light weapons on development have hit the poorest countries the hardest,

6. *Particularly concerned* that the wide availability of small arms and light weapons contributes to the tragedy of armed children being used in combat operations,

7. *Believing* that Governments bear the primary responsibility to intensify their efforts by developing an understanding of the issues and practical ways of addressing the problem,

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8. *Recognizing* that the international community has an obligation to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons is multifaceted and involves security, humanitarian and development dimensions,

9. *Acknowledging* the contribution made to this Conference by the "Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991" — adopted by the Disarmament Commission in 1996; the "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N", adopted by the Disarmament Commission in 1999; the 1997 report of the Panel of Governmental Experts on Small Arms; and the 1999 report of the Group of Governmental Experts on Small Arms,

10. *Welcoming* the practical disarmament measures already undertaken by States, regional organizations and the United Nations and the activities undertaken by the group of interested States to analyse lessons learned and to promote and assist new practical disarmament measures, especially those undertaken or designed by affected States themselves,

11. *Emphasizing* the importance of increased cooperation and coordination both among the relevant United Nations bodies in the fields of disarmament, development, humanitarian relief and the welfare of children, and within the Secretariat through the mechanism for Coordinating Action on Small Arms, in their ongoing initiatives related to preventing and reducing the illicit trade in small arms and light weapons,

12. *Recognizing* the important contribution of civil society in general and non-governmental organizations in particular in preventing and reducing the excessive and destabilizing accumulations of small arms and light weapons,

13. *Reaffirming* the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves,

14. *Reaffirming also* the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right,

15. *Concerned* about the close link between terrorism, organized crime and the drug trade, on the one hand, and the uncontrolled spread of small arms and light weapons, on the other, and stressing the importance of international efforts aimed at combating them,

16. *Considering* that enhanced openness and transparency and improved information exchange on small arms and light weapons would contribute greatly to confidence-building and security among States, including a better understanding of the illicit trade in small arms and light weapons,

17. *Convinced* of the need for a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in a balanced and non-discriminatory manner as a contribution to international peace and security,

18. *Recognizing* efforts to prevent and reduce the illicit trade in small arms and light weapons and the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, including the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,

19. *Welcoming* the United Nations Millennium Declaration, whereby Member States agreed to take concerted action to end the illicit traffic in small arms and light weapons, especially by making arms transfers more transparent and supporting regional disarmament measures, and take account of all the recommendations of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,

20. *Welcoming* the efforts being undertaken at the regional, subregional, national and local levels to address the illicit trade in small arms and light weapons, and desiring to build upon these, while taking into account the characteristics, scope and magnitude of the problem in each region,

21. *Welcoming* the declarations, positions and recommendations to this Conference from the European Union, the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe,

22. *Welcoming* in this regard the decision by the Council of Ministers of the Organization of African Unity to convene an African Ministerial Conference on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in Bamako in November 2000; the establishment by the States parties of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials; the decision by the Council of Ministers of the Southern African Development Community to conclude its negotiations on a protocol on the control of firearms, ammunition and other related materials in the region of the community; the decision by the States members of the Economic Community of West African States to implement their agreement on a moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa; and the adoption by the European Union of the Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and the other initiatives undertaken, such as the Joint Action on Small Arms, which has been endorsed by several Member States not members of the European Union,

23. *Welcoming* the efforts in all regions to address the issue of small arms and light weapons through seminars, conferences, consultations and workshops conducted by the United Nations, regional organizations and States, to include those co-sponsored with Member States by the United Nations Regional Centre for Peace and Disarmament in Africa in 1999, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean in 1999, and the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific in May 2000; the Conference on Small Arms and Light Weapons Proliferation in South Asia, Kandalama, Sri Lanka, June 2000; the Conference on Conventional Arms in South Asia: Promoting Transparency and Preventing Small Arms Proliferation, Sri Lanka, June 2000; the First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, May 2000; the International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, June 2000; the Seminar of the Forum for Security Cooperation on Small Arms and Light Weapons, Vienna, April 2000; the Seminar on the Organization of American States/Inter-American Drug Abuse

Control Commission Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition, Martinique, May 2000; the Summit of Heads of States and Government of the Southern African Development Community, Namibia, August 2000; the Conference on Export Controls, Sofia, December 1999; the Workshop on Small Arms and Light Weapons: Possible Contribution to the Stability Pact for South-eastern Europe, Slovenia, January 2000; Meeting of the Working Table on Security Issues of the Stability Pact for South-eastern Europe, Bosnia and Herzegovina, February 2000; Meeting of the South Pacific Chiefs of Police and the Oceania Customs Organization subcommittee, Fiji, March 2000; the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms, Nairobi, March 2000; the Workshop on Stockpile Management and Security of Small Arms and Light Weapons, Thun, Switzerland, March 2000; the Second Ministerial Meeting of the Human Security Network, Lucerne, Switzerland, May 2000; the Asia Regional Workshop on Small Arms, Tokyo, June 2000; and the Regional Preparatory Meeting of the Latin American and Caribbean States for the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Brasilia, November 2000,

24. *Aware* that regional efforts, by their very nature, do not address the global nature of the sources of small arms and light weapons and the increasingly transnational networks of brokers, dealers, financiers and transporters,

25. *Noting* that different regions are at different stages of building norms and frameworks for cooperation and therefore need global measures to facilitate the work at regional and national levels on preventing and reducing the illicit trade in small arms and light weapons,

26. *Recognizing* the crucial importance of international cooperation in preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, addressing supply and demand issues as well as those relating to brokers and dealers,

27. *Basing themselves* on the respect for and commitment to the basic norms of international law and the principles enshrined in the Charter of the United Nations, namely, the sovereign equality of States, the peaceful resolution of disputes, the prohibition of the use or threat of force, and non-intervention in the internal affairs of States,

28. *Recalling* the principle of international humanitarian law that the right of States party to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering, and on the principle that a distinction must be made between civilians and combatants,

29. *Noting* the views of States and regional organizations that this Conference provides a promising opportunity to address the problem of small arms and light weapons, in a manner that would alleviate the plight of populations besieged by criminality and armed conflicts which are fuelled by the illicit trade in these weapons, and would bring the benefits of social and economic development and national, regional and international stability,

30. *Commit themselves* to launching and implementing an integrated action plan at the national, regional and global levels, to prevent, reduce and curb the illicit trade in small arms and light weapons.

## II. Preventing, controlling and curbing the illicit trade in small arms and light weapons

1. We, the States participating in this Conference, express our grave concern that the problem of the illicit trade of small arms and light weapons, and their proliferation and circulation, continues to have devastating consequences for stability and development in many regions of the world.

2. We therefore agree that, in order to promote peace, security, stability and sustainable development in the world, we commit ourselves to addressing this problem in a comprehensive, integrated, sustainable, efficient and urgent manner.

3. In addressing this problem, we further commit ourselves to maintain respect for and commitment to the basic norms of international law, to include: (a) the principles enshrined in the Charter of the United Nations, namely the sovereign equality of States, the peaceful resolution of disputes, the prohibition of the use or threat of force, and non-intervention in the internal affairs of States; and (b) the basic norms of international humanitarian law relating to the use of small arms and light weapons, as well as the commitment to explore possibilities to strengthen, harmonize and expand this legal framework.

### 4. Measures on illicit manufacturing, acquisition, stockpiling and transfer of small arms and light weapons

Preventing and reducing the illicit trade in small arms and light weapons consists of two sets of measures: the national control of manufacture and the proper marking of small arms and light weapons, coupled with accurate, sustained record-keeping and exchanges of information. The objective of these measures is to assist relevant authorities in tracing illicit small arms and light weapons and, if a legal transfer has been diverted into the illegal market, to identify the point at which the diversion took place.

### 5. National

(a) States will have in place adequate laws, regulations and administrative procedures to exercise effective control over the legal manufacture and possession of small arms and light weapons, within their areas of jurisdiction. States will ensure that those engaged in illegal production can and will be prosecuted under appropriate penal codes.

(b) States that have not yet done so will ensure that manufacturers apply appropriate and reliable markings on small arms and light weapons as an integral part of the production process. These markings will identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number, so that the authorities concerned can trace each weapon and cooperate in efforts to combat global and international illicit arms trade and undesirable diversions of arms shipments.

(c) States will ensure that comprehensive and accurate records are kept of their own holdings of small arms and light weapons, as well as those held by manufacturers, exporters and importers of small arms and light weapons within their territory.

(d) States will adopt and enforce all necessary measures to prevent the manufacture, stockpiling, export, import, transit or other transfer of any unmarked or inadequately marked small arms and light weapons. All unmarked or inadequately marked small arms and light weapons that have been collected, confiscated or seized will either be expeditiously destroyed or, where appropriate, adequately marked.

(e) States agree to conduct an information exchange on their national marking systems used in the manufacture and/or import of small arms.

(f) States will treat any transfer of small arms and light weapons that is in violation of a United Nations Security Council arms embargo as a crime, and will, if they have not yet done so, reflect this in their domestic laws.

(g) States will support the efforts of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, including an early completion of the Protocol to Combat Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

*(Note: Specific measures related to this Protocol will depend on the outcome of the current negotiations in Vienna.)*

**6. Regional**

(a) Where appropriate, region-specific marking, record-keeping and tracing procedures will be developed.

(b) Where appropriate, regional and subregional organizations will harmonize laws and procedures related to preventing and reducing the illicit trade in small arms and light weapons.

(c) Where appropriate, the cooperation between customs, border control organizations and police will be strengthened.

(d) Where appropriate, regions will facilitate mutual assistance in cross-border operations involving weapons collection, hot pursuit, etc.

(e) Regional organizations will establish and/or build upon established partnerships to share resources and information on the illicit arms trade in all its aspects.

(f) Where appropriate, moratoria on the production, export and import of small arms and light weapons will be developed and implemented on a regional and subregional basis.

**7. Global**

(a) Common international standards for marking small arms and light weapons, at time of manufacture will be developed.

(b) International cooperation to examine new technologies, which are both affordable and accessible to all producers, and which would improve tracing and detection of small arms and light weapons will be encouraged.

(c) International arrangements will be developed to enable timely and reliable tracing of lines of supply by relevant authorities. The International Criminal

Police Organization (Interpol) and the World Customs Organization, as well as States, will cooperate to identify groups and individuals engaged in illicit trade.

(d) International standards on national laws and regulations pertaining to the manufacture, acquisition and transfer of small arms and light weapons will be developed in the form of model national legislation.

(e) An international mechanism will be developed to coordinate support for capacity-building related to preventing and reducing the illicit trade in small arms and light weapons in regions and in States.

(f) States agree to cooperate with the United Nations system to ensure the effective implementation of arms embargoes sanctioned by the United Nations Security Council that relate to small arms and light weapons.

**8. Measures to prevent diversion from the legal manufacture, acquisition and transfer of small arms and light weapons, including arms brokering-related activities to and impact on illicit trade**

The establishment and implementation of effective and universal criteria governing the export of small arms and light weapons will assist in preventing and reducing the diversion of the legal manufacture and transfer to illicit channels, as will national controls covering export documentation and procedures, and the activities of international brokers. The objective of the measures below is to foster responsible behaviour with regard to the transfer of small arms and light weapons and thereby reduce the opportunities to engage in the illicit trade in small arms and light weapons.

**9. National**

(a) States will ensure that they have in place laws, regulations and administrative procedures to exercise effective control over the export, import, transit or retransfer of small arms and light weapons, in order to prevent illicit trade in these weapons, or their diversion to unauthorized recipients.

(b) Applications for export authorizations will be assessed according to strict national criteria (and regional and global criteria when applicable) that cover all categories of small arms and light weapons, including surplus or second-hand weapons.

(c) Legislative, regulatory or administrative measures to be used include the use of authenticated end-user certificates, and enhanced legal and enforcement measures, as appropriate, to ensure that no retransfer of small arms and light weapons takes place without prior authorization of the original supplier State.

(d) Holdings of small arms and light weapons by States will be limited to levels consistent with legitimate self-defence and security interests, including their ability to participate in United Nations peace operations.

(e) States will establish rules, regulations and procedures, based on international standards and best practice, for the national collection of information on production, stocks and transfers of small arms and light weapons.

(f) Exporting countries will supply small arms only to Governments, either directly or through entities authorized to procure arms on behalf of Governments.

(g) States will ensure that they exercise control over and criminalize all illicit brokering activities performed in their territory or by dealers registered in their territory, including cases in which the arms do not enter their territory.

(h) States will prohibit the transfer of small arms and light weapons to arms brokers as end-users, meaning that States will not transfer weapons to brokers/dealers without approving to whom brokers would eventually resell such weapons.

**10. Regional**

At the regional and subregional levels, where appropriate, States should harmonize measures, procedures and documentation for monitoring and controlling the export, import, transit or retransfer of small arms and light weapons, and develop regional information exchanges on brokers engaged in illicit practices.

**11. Global**

(a) Export criteria applicable to all States will be established.

(b) A common and universal understanding of the role of arms brokers, a consensus definition of "broker" and "brokering activities" and a consensus on the scope of controls (i.e. which types of arms should be covered by laws and regulations on brokering) will be developed.

(c) The United Nations, through the United Nations Department of Disarmament Affairs and other relevant international organizations, will collect and publish "best practices" for national legislation and procedures for the control of international arms brokers.

(d) A legally binding international agreement on brokers will be negotiated.

*(Note: The nature of global measures on arms brokers and brokering activities is to be addressed upon completion of the report in February 2001 by the group of governmental experts on the study of the feasibility of restricting the manufacture and trade of small arms and light weapons to the manufacturers and dealers authorized by States.)*

**12. Measures on stockpile management and safe storage**

Illicit trade in small arms and light weapons is exacerbated by the leaking of legal stocks of these weapons into illicit channels. Measures to enhance the security and management of legal stocks of small arms and light weapons, held by armed forces, police, arms manufacturers and dealers, and non-governmental paramilitary organizations such as private security companies are essential components of an effective international action programme to prevent and reduce the illicit trade in small arms and light weapons. The measures below will contribute to the safeguarding of these legal stocks against theft, corruption or neglect which allows their diversion into illicit channels.

**13. National**

(a) All States will ensure that the armed forces, police and every other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their small

arms stocks. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security of transport of small arms and light weapons; security, accounting and control of small arms and light weapons held by operational units and authorized personnel; and procedures and sanctions in the event of thefts or losses.

(b) All States will ensure that the armed forces, police and every other body authorized to hold small arms and light weapons have clearly established officials and bodies responsible for the management and security of their weapons stocks, with sufficient resources and authority to meet their responsibilities adequately.

(c) All States will ensure that accurate records of the numbers, types and locations are maintained for all small arms and light weapons under the control of armed forces, police, other State agencies and any non-governmental group authorized to hold such weapons (such as manufacturers, dealers or security companies). States will ensure that thorough stocktaking programmes are regularly carried out and losses reported and investigated.

(d) States agree to support, in cooperation with other international efforts and in response to requests from participating States, stockpile management and security programmes, training and on-site confidential assessments.

**14. Regional**

Regional and subregional organizations should support national and global efforts aimed at enhancing the security and management of legal stocks of small arms and light weapons.

**15. Global**

(a) The United Nations, regional organizations and other appropriate bodies will arrange workshops and other activities on maintaining and enhancing the security of stocks of small arms and light weapons. The aims of such workshops would include: raising awareness among policy makers and responsible officials; exchanging information and experience; identifying and disseminating good practices; clarifying needs for technical assistance; and helping to mobilize technical and other resources to meet such needs.

(b) International programmes for specialist training on small arms stockpile management and security will be developed. The United Nations and other appropriate international or regional organizations should consider establishing and developing training facilities and programmes in this area.

(c) The United Nations will establish an international mechanism to promote the implementation of commitments to ensure the security of stocks of small arms and light weapons. Elements of this mechanism should include exchanges of information and good practices, establishment of national contact points, enhancing and coordinating the provision of appropriate assistance to ensure adequate security of stockpiles of small arms and light weapons, arrangements to encourage and help States to notify losses or thefts of significant quantities of small arms and light weapons and making appropriate use of such information on thefts or losses.

(d) The United Nations should consider ways and means to provide emergency assistance with safeguarding storage facilities containing small arms and light weapons and other materials of concern in countries or regions where the security of such facilities is under threat. Such assistance will be provided with the consent of the State or States concerned.

**16. Measures for the collection and destruction of illicit and surplus small arms and light weapons**

To prevent and reduce the illicit trade in small arms and light weapons by lowering the overall stocks of these weapons, the highest priority should be given at all levels to the collection and destruction of small arms and light weapons which are: (a) declared by competent authorities in States to be obsolete or surplus to national defence and domestic security requirements; (b) in circulation at the end of conflicts, including those unauthorized and excessive weapons possessed by formal combatants and the civilian population at large; and (c) circulating and available in any State in contravention of laws regarding their allowable use, and contributing to high levels of crime and violence.

**17. National**

(a) States will establish laws and procedures for the safe and effective collection and destruction of weapons which are (i) declared by the State to be obsolete or surplus to national and domestic security requirements, or (ii) circulating and available in such quantities as to contribute to high levels of crime and violence.

(b) All States will regularly review the stocks of small arms and light weapons held by armed forces, police and other authorized bodies. They will ensure that stocks of small arms and light weapons surplus to requirements are clearly identified, and that programmes for the responsible and expeditious disposal of such stocks are established and implemented. They will ensure that such stocks are adequately safeguarded until disposal.

(c) All States will normally destroy surplus small arms and light weapons, using internationally accepted and effective procedures (as identified by the mechanism outlined in the following subsection). Surplus weapons retained for other purposes (such as museum exhibits or collectors' items) will be permanently disabled and decommissioned.

(d) All States are encouraged to make arrangements to promote the transparency of the process of destruction of surplus weapons, including providing information on numbers and types of small arms and light weapons that are to be destroyed (or have been destroyed) and the location and timing of such destruction (subject to security concerns). Wherever appropriate, States are encouraged to carry out public destruction events or at least to invite observers to monitor the process, in the interests of awareness-raising and confidence-building.

(e) All States and appropriate international or regional organizations in a position to do so agree to provide assistance in the destruction or other responsible disposal of surplus stocks of small arms and light weapons, at the request of the State concerned.

(f) All confiscated or collected unauthorized small arms and light weapons, or inadequately marked weapons, will be destroyed expeditiously (subject to any legal constraints associated with the preparation of criminal prosecutions).

(g) States will prevent the reactivation of deactivated small arms and light weapons.

**18. Regional**

Regional organizations, as appropriate, will promote regional efforts to collect and destroy small arms and light weapons that competent national authorities identify as surplus.

**19. Global**

(a) In regions and subregions where conflicts come to an end and there are serious problems with the proliferation of small arms and light weapons, the United Nations system and other relevant bodies will use all available resources to collect and destroy all small arms and light weapons in circulation at the end of such conflicts, including those possessed by formal combatants and those in the hands of the population at large.

(b) The United Nations, through the Department for Disarmament Affairs and other appropriate international and regional organizations, should organize a programme of workshops to promote the implementation of the commitments made by States (see above). The aims of these workshops would be: to promote awareness; to identify and disseminate the best practices of voluntary weapons collection programmes and destruction techniques; to facilitate exchanges of information and experience; to clarify techniques of destruction; to clarify needs for technical and other assistance; and to help to mobilize technical and other resources to meet such needs.

(c) An international mechanism and resource centre will be established to promote and facilitate effective and efficient collection and destruction of stocks of surplus arms; this mechanism would include the following components:

(i) A panel of international experts to review and identify effective techniques for the destruction of surplus arms;

(ii) Procedures to facilitate the provision of technical support and advice in mastering and using the above techniques;

(iii) Information exchange arrangements relating to the destruction or other responsible disposal of surplus small arms, to promote appropriate transparency and facilitate reviews of progress in destroying or disposing of surplus arms;

(iv) Arrangements to facilitate the use of international observers to monitor the destruction of surplus or confiscated small arms;

(v) Arrangements to mobilize resources to meet the needs of States and other authorities requiring assistance in the destruction or disposal of surplus small arms.

**20. Measures on civilian possession of small arms and light weapons**

The illicit trade in small arms and light weapons can be exacerbated by the unregulated possession of small arms and light weapons by civilians not part of responsible military and police forces. The measures below can contribute to addressing this aspect of the illicit trade in these weapons.

(a) States will establish appropriate national legislation, administrative regulations and licensing requirements that define conditions under which small arms and light weapons can be acquired, used and traded by private persons.

(b) States will seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes (e.g., assault rifles, machine guns, grenades and high explosives produced for military purposes).

**21. Measures on post-conflict situations, including weapons collection and disposal; disarmament, demobilization and reintegration programmes; and effective disarmament in the context of peacekeeping operations**

It has been well-documented by the United Nations, regional organizations, national Governments and civil society that the illicit trade in small arms and light weapons is exacerbated by ineffective programmes and policies relating to addressing these weapons at the end of conflicts. The measures below address the critical need for effective disarmament, demobilization and reintegration programmes.

**22. National**

(a) States in post-conflict situations will give priority to effective disarmament, demobilization and reintegration programmes.

(b) Parties to a conflict will ensure the inclusion of these programmes in their peace agreements.

**23. Regional**

Regional and subregional organizations will, as appropriate, harmonize and support national efforts in this regard.

**24. Global**

(a) In regions where conflicts come to an end and small arms and light weapons remain in the hands of ex-combatants and society in general, the United Nations and all relevant organizations will ensure that all available resources are utilized to support those post-conflict programmes that remove the weapons from circulation, and demobilize and reintegrate those who formerly possessed and used those weapons.

(b) These programmes will be an integral part of the agreements establishing the disarmament, demobilization and reintegration elements of peace processes.

(c) In this regard, States agree to cooperate to ensure the effective implementation of decisions by the Security Council underlining the importance of disarmament, demobilization and reintegration measures.

(d) Given the particularly harmful effect of the illicit trade in small arms and light weapons on children, both as victims of violence and users of the weapons, the United Nations Children's Fund and the Special Representative of the Secretary-General for Children and Armed Conflict will be particularly involved in addressing the special needs of children in post-conflict situations as well as publicizing the negative effects of these weapons.

**25. Measures on transparency, confidence-building and exchange of information**

Various reports, resolutions and guidelines of the United Nations, regional organizations, States and civil society have documented the effect of secrecy in exacerbating the illicit trade in small arms and light weapons. The transparency and exchange of information on the legal manufacture, transfer and holdings of small arms and light weapons, as well as inventories of confiscated and destroyed small arms and light weapons, contribute to preventing and reducing illicit trade in these weapons by facilitating cooperation in enforcing laws, identifying weak points in control systems, providing early warning of problems and building confidence.

**26. National**

States will make public, or submit to relevant regional and international organizations, relevant information on: (a) authorized producers, brokers, importers, exporters and shippers of small arms and light weapons; (b) small arms and light weapons exported, imported, produced, confiscated or destroyed within their jurisdiction; (c) national laws and regulations and processes that impact on the prevention and reduction of the illicit trade in small arms and light weapons; and (d) any other information such as illicit trade routes and techniques that can contribute to the eradication of the illicit trade in small arms and light weapons.

**27. Regional**

Regions, where appropriate, are strongly encouraged to develop mechanisms that establish transparency, confidence-building mechanisms and the exchange of information on exports, imports, production and holdings.

**28. Global**

(a) The United Nations, through the Department for Disarmament Affairs and other relevant bodies, will develop an international mechanism that will facilitate the exchange of information on all aspects of the illicit trade in small arms and light weapons, and build confidence which can lead to enhancing cooperation among States, through periodic workshops, conferences and the timely publication of information.

(b) The United Nations, through the Department for Disarmament Affairs and other relevant bodies, will receive, collate and publish data and information on national responses, laws and regulations that can be published in a "best practices" digest.

## III. International cooperation and assistance

1. The States agree to promote effective international cooperation and assistance at the national, regional and global levels, and highlight the importance of coordination, complementarity and synergy of international organizations, regional organizations and competent judicial, technical and financial institutions, in order to provide regional organizations and States in need with the required assistance.

2. The illicit trade in small arms and light weapons and their excessive accumulation poses a serious problem for the international community, requiring an urgent international response, as well as a regional and a national one. The responsibility for solving the problems associated with the illicit trade falls on all States, regardless of their role in the situation.

3. The illicit trade in small arms and light weapons cannot be prevented or reduced by States alone. Global and regional mechanisms are needed to provide: (a) the global norms and principles which can support regional organizations and States as they combat illicit trade in small arms and light weapons; (b) financial and technical assistance to States to build the capacity needed to combat illicit trade and its effects; and (c) in particular, assistance to the police, intelligence, customs and border control services needed to combat the illicit arms trade.

4. The States participating in this Conference agree to the following measures regarding international cooperation and assistance:

**(a) Police, intelligence, customs and border control**

(i) States agree to enhance their mutual legal assistance and other mutual forms of cooperation in order to assist investigations and prosecutions conducted and pursued by other States in relation to the illicit trade in arms.

(ii) States agree to cooperate with each other on the basis of customary diplomatic procedures or relevant agreements and with intergovernmental organizations such as the International Criminal Police Organization (Interpol), in tracing illicit small arms and light weapons.

(iii) States are encouraged fully to use the facilities of Interpol, in particular through the timely and complete provision of information to its Interpol Weapons and Explosives Tracking System (IWETS) database or to any other database that may be developed. Further, States are encouraged to support Interpol and to contribute to the extent possible to the development of its capacity to assist States in combating the problem of the illicit manufacture of and trade in small arms and light weapons.

**(b) Civil society**

The work of civil society, including non-governmental organizations, should be supported and encouraged in (a) documenting and publicizing the extent and nature of the small arms problem, including its global aspects, and (b) contributing, in partnership with States and intergovernmental organizations, to the development and effective implementation of measures designed to address the small arms problem at the national, regional and global levels.

**(c) Research and raising awareness**

States, regional and subregional organizations, research centres, and civil society are urged to develop and fund action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons, providing, where possible, the basis for the further development of the Action Plan of this Conference.

# IV. Implementation and follow-up

1. The States agree that the major purpose of the Conference is to develop an action plan (the agreed-to elements of section II) and begin its implementation immediately upon completion of the Conference and to continue this work until the effects of the illicit trade in small arms and light weapons have been eradicated.

2. The implementation of the Action Plan, as described in the various measures agreed to, consists of three components:

(a) A set of immediate follow-up actions to be completed at the national, regional and global levels;

(b) The establishment of an ad hoc mechanism (name to be decided) made up of and organized by the States participating in this Conference, which will meet regularly after the conclusion of the Conference, for the purpose of (i) facilitating and assessing the progress of the various follow-up actions and (ii) developing the various international mechanisms agreed to in the action plan;

(c) The development of international agreements and instruments by the ad hoc mechanism.

**Examples of immediate follow-up actions**

**3. National**

(a) States will submit annual reports on their progress in developing and administering the measures agreed to in the present Programme of Action.

(b) States will continue to develop practical disarmament measures.

(c) States will put in place, where they do not exist, national coordination agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of the proliferation, control, circulation, trade, collection, destruction and reduction of small arms and light weapons.

**4. Regional**

Regional and subregional organizations should take appropriate steps to implement the present Programme of Action in a comprehensive, integrated and timely manner.

Regional organizations which have developed measures and mechanisms to combat the illicit trade in small arms and light weapons will meet each year at a time and place they will determine, to exchange information, data and best practices, and will invite all States to participate.

**5. Global**

(a) A working group will be established to monitor the progress and impact of the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, in negotiating the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, for the purpose of adding to or modifying the measures adopted at the present Conference.

(b) A working group will be established to develop model legislation for national laws, regulations and enforcement mechanisms that can prevent or reduce illicit trade in small arms and light weapons, to include model brokering legislation.

(c) The United Nations Department for Disarmament Affairs will serve in support of the ad hoc mechanism, performing those tasks assigned by the mechanism. For example, it could serve as the repository for information and data that States and regional organizations make public as per the measures approved by the present Conference.

(d) The Coordinating Action on Small Arms will continue to coordinate relevant activities within the United Nations system relating to the various dimensions of small arms and light weapons, and to provide relevant information to Member States on a regular basis.

(e) The ad hoc mechanism will develop at an early date a mechanism that is responsible for coordinating the financial and technical assistance needed by States and regional organizations for building capacity for the effective implementation of laws and regulations designed to combat the illicit trade in small arms and light weapons, stockpile management, and weapons collection and destruction.

## 6. Organizational Issues

*The ad hoc mechanism*

States agree that preventing, reducing and curbing the illicit trade in small arms and light weapons is a complex, long-term process that can only be successful if the various measures agreed to at the present Conference are part of an integrated and ongoing effort. To ensure that these measures are implemented in a timely, effective and synergistic manner, the States agree to establish an ad hoc mechanism, with all States participating in this Conference as members, which will have the following basic tasks:

(a) To develop mechanisms and procedures for sharing of and reporting on the progress made by States in implementing the measures agreed to;

(b) To conduct meetings, workshops and seminars on an ongoing basis for the purpose of promoting the Action Plan and evaluating the impact of the Programme of Action on the illicit trade in small arms and light weapons;

(c) To work towards developing at an early date international agreements and instruments that would succeed the ad hoc mechanism as the focal point for integrating and accomplishing the work at national, regional and global levels agreed to at the present Conference.

(d) States agree to convene a review Conference no later than 2004 to evaluate progress made in the implementation of the present Programme of Action.

*Notes*

[1] For the purposes of this Conference, the definition of small arms and light weapons is that presented in the report of the Panel of Governmental Experts on Small Arms (A/52/298, annex) of 1997, sect. III, "weapons in use", and confirmed in the 1999 report of the Group of Government Experts on Small Arms (A/54/258, para. 13, note 5). This definition includes ammunition and explosives, and also stipulates that these weapons are those "manufactured to military specifications for use as lethal instruments of war" (A/52/298, para. 24).